

ANNEX A

Aircraft Lavatories ACCESS Committee Agreed Term Sheet October 14, 2016

[“FN” means “Facilitator’s Note”]

Definitions

“Tier 1” aircraft are all new aircraft delivered 3 years after the Effective Date of the final rule that are not Tier 3 aircraft.

“Tier 3” aircraft are aircraft that:

- (a) are ordered 18 years after and delivered 20 or more years after the effective date of the final rule; or
- (b) are a new type design for which application is filed with the FAA or a foreign carrier civil aviation authority more than 1 year after the effective date of the final rule.

1. The requirements of this section shall apply 3 years after the Effective Date of the final rule to all carriers operating aircraft that have a FAA-certified maximum passenger capacity of 60 or more seats:

a. Flight attendant training

Carriers must train flight attendants to proficiency on an annual basis to provide assistance in transporting qualified individuals with disabilities to and from the lavatory from the aircraft seat, including hands-on training on the use of any new DOT required on-board wheelchair as referenced below, and with respect to any assembly or modifications to the accessibility features of the lavatory or on-board wheelchair.

b. Publication of accessibility information

Carriers must provide information, on request, to qualified individuals with a disability or persons making inquiries on their behalf concerning the accessibility of aircraft lavatories. This information must also be available on the carrier’s website, and in printed or electronic form on the aircraft, including picture diagrams of accessibility features in the lavatory and the location and usage of all controls and dispensers.

c. International Symbol of Accessibility.

Carriers shall remove or conceal ISA from new and in-service aircraft equipped with lavatories that are not capable of facilitating seated independent transfer.

2. All Tier 1 aircraft have an FAA certified maximum passenger capacity of 125 or more seats shall feature at least one onboard lavatory that meets the following specifications:

a. Toilet seat height.

The toilet seat height shall be 17-19 inches high.

b. Assist handles. Pull-up assist handles shall be provided and positioned as required to meet the needs of individuals with disabilities and shall support a minimum of 250 lbs.

c. Faucets. Carriers shall ensure that either (i) lavatory faucets offer controls with tactile information concerning temperature or (ii) water temperature for all passengers is adjusted to eliminate the risk of scalding for any passenger.

Automatic or hand-operated faucets shall dispense water for a minimum of approximately 5 seconds for each application or while the hand is below the faucet.

d. *Flush control*

For Tier 1, there shall be no requirement to modify the location of flush controls, but location information shall be made available to passengers through informational cards upon request, and online [if applicable].

For Tier 3, flush controls shall be accessible to a qualified individual with a disability by a 5 percentile female from a seated position.

e. *Attendant call buttons.* Attendant call buttons shall be provided in the lavatory [and accessible to an individual seated on the toilet].

f. *Lavatory controls and dispensers.*

Lavatory controls and dispensers, if any, shall be tactilely discernible when reasonably available. Information regarding location and use of all other lavatory controls and dispensers shall be made available through informational cards on request, verbally through flight attendants, online, or by phone and TTY where those services are ordinarily provided.

g. *Door sill.* The lavatory door sill shall provide minimum obstruction to the passage of the on-board wheelchair across the sill while preventing the leakage of fluids from the lavatory floor and trip hazards during an emergency evacuation.

h. *Sharps/bio-waste.* Carriers shall develop and, upon request, inform passengers of trash disposal procedures/processes for sharps/bio-waste.

i. *Door locks.* The door lock must be accessible by a 5th percentile female seated on the OBW, if any, within the lavatory compartment.

j. *Toe clearance:*

Tier 1: Toe clearance shall not be reduced from current measurements [explain/discuss in preamble]

Tier 3: Toe space not specified per se but determined by performance specification for Tier 3 accessibility re 95th percentile male (see footnote)¹

k. *Visual barrier:* Covered aircraft shall include a visual barrier that shall be provided upon request of a passenger with a disability. Such barrier shall provide passengers with disabilities using the lavatory (with the lavatory door possibly open) a level of privacy substantially equivalent to that provided to ambulatory users. For retrofit lavatories, there shall be no requirement to install a visual barrier if doing so will obstruct the visibility of exit signs.

l. Where reasonably available in the supplier catalog, and if such parts are certified for the applicable aircraft type, operable parts installed in a lavatory covered by this rule shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist.

3. Retrofit of aircraft

You are not required to retrofit cabin interiors of existing aircraft to comply with the requirements of this section. However, if you replace a lavatory on a single aircraft, you must replace it with an accessible lavatory as defined in section 382.xx (tier I section). Replacement does not cover removing the lavatory for specified maintenance (e.g., corrosion), safety checks, or any other action

¹ The referenced section reads as follows: “the accessible lavatory must permit a qualified individual with a disability equivalent in size to a 95 percentile male to approach, enter, maneuver within as necessary to use all lavatory facilities, and leave, by means of the aircraft's on-board wheelchair.”

that results in returning the same lavatory into service. For retrofit lavatories, there shall be no requirement to install a visual barrier if doing so will obstruct the visibility of exit signs.

4. Onboard Wheelchair (OBW)

- A. New covered single aisle aircraft with 125 FAA maximum certified passenger seats entering service 3 years after the effective date of the Final Rule shall include an onboard wheelchair that meets DOT's standards.
- B. DOT will consult with advocates, airlines, aircraft manufacturers, manufacturers of OBW, flight attendant association(s) and other stakeholders in developing these standards.
- C. The purpose of the onboard wheelchair standards that will be developed by DOT is to improve the safety of traditional models of OBW, and to establish, if feasible, the specifications for an over-the-toilet OBW design.
- D. Any new DOT standards for OBW must: (1) permit passage in the aircraft aisle; (2) fit within at least one of the available certified OBW storage spaces (e.g., ceiling, closets) consistent with weight and space limits applicable to each carrier's aircraft models; and (3) shall accomplish its intended functions without requiring modification to interior arrangement, including lavatories.
- E. If airlines replace an onboard wheelchair on covered aircraft with 125 FAA maximum certified passenger seats 3 years after the effective date of the final rule, then airlines must replace it with an on-board wheelchair that meets the new DOT standards if: (1) it fits within the existing OBW storage spaces consistent with weight and space limits applicable to each carrier's aircraft models; (2) permits passage in the aircraft aisle; and (3) can accomplish its intended functions without requiring modification to interior arrangement, including lavatories.
- F. DOT will not take action against airlines for the failure by third parties to develop and deliver compliant OBWs so long as airlines demonstrate efforts to obtain OBWs that meet new DOT standards subject to the conditions identified above.
- G. DOT will include the proposed new standards for an OBW and replacement of OBW on existing aircraft as described above in its notice of proposed rulemaking.
- H. The target date for completing the standards for the onboard wheelchair is February 2017. Airbus will share OTW-type draft specification for OEM/airline/user group review. Aircraft manufacturers will provide DOT for a nominal collapsed envelope of the OBW in October 2016.

[FN: The Advocates' proposal contains detailed specifications for the OBW. Those specifications are best addressed to the OBW task force just mentioned, so are not detailed here.]

Tier 3 [Used existing requirement for twin aisle aircraft in 382.63 as a starting base]

(a) As a carrier, you must ensure that single aisle aircraft with more than 125 FAA maximum certified passenger seats in which lavatories are provided, shall include at least one lavatory of sufficient size to permit a qualified individual with disability to perform a seated independent and dependent transfer from the on-board wheelchair to and from the toilet within a closed space that affords to persons using the on-board wheelchair privacy equivalent to that afforded ambulatory users.

(b) The accessible lavatory referenced in para. (a) must:

(1) permit a qualified individual with a disability equivalent in size to a 95 percentile male to approach, enter, maneuver within as necessary to use all lavatory facilities, and leave, by means of the aircraft's on-board wheelchair.

(2) allow an individual equivalent in size to a 95 percentile male to assist a qualified individual with a disability.

(3) provide door locks, accessible call buttons, assist handles, faucets and other controls (if any), and dispensers (if any) that are usable by qualified individuals with a disability equivalent in size to a 95 percentile male and 5 percentile female, including wheelchair users and persons with manual impairments as specified in section 382.xx (tier 1).

(4) include the capability of safety cabin announcements that are visually and audibly available in the lavatory (subject to resolution by the ACCESS Committee in consultation with the Cabin Announcement Task Force).

(c) You are not required to retrofit cabin interiors of existing aircraft to comply with the requirements of this section. However, if you replace a lavatory on a single aisle aircraft, you must replace it with an accessible lavatory as defined in section 382.xx (tier I section).

(d) As a covered carrier, you must comply with the requirements of paragraph (a) of this section with respect to new aircraft you operate that were initially ordered after 18 years or which are delivered after 20 years or are in a new type design filed with FAA or foreign carrier's aviation safety authority after 1 year from final rule.